

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

RACHEL HIGGINS, as Personal  
Representative of the Estate of  
GEORGE LEICHTLE,

Plaintiff,

v.

No. 13-cv-931

DAVID ANTHONY GARCIA, DDS,  
and LAS CLINICAS DEL NORTE, INC.,  
a domestic nonprofit corporation,

Defendants.

**NOTICE OF REMOVAL OF ACTION**

The United States of America hereby gives notice to this Court, pursuant to 28 U.S.C. § 1442(a) of the removal of a civil action commenced in the Second Judicial District Court, State of New Mexico, Cause No. D-202-cv-201305532, entitled as above, and states:

1. A civil action has been brought in the Second Judicial District Court, State of New Mexico, against an employee of the United States of America arising out of actions the employee was performing in the course of said employment and an entity operated by the United States of America

2. Attached to this Notice of Removal as Exhibit 1 are copies of all pleadings that have been received by and are in the possession of the United States in this action.

3. All bases of Plaintiff's Complaint relate to actions taken by the United States of America's employee while acting within the course and scope of the employee's business and that took place at a health care facility operated by the United States.

4. The Second Judicial District Court, State of New Mexico is properly subject to removal because under 28 U.S.C. §§ 1442(a) any civil action brought in state court and that is against or directed to the United States or any agency of the United States should be removed to Federal Court.

WHEREFORE, the United States gives notice that Cause No. D-202-cv-201305532 in the Second Judicial District Court, State of New Mexico, is removed to this Court.

Respectfully submitted,

STEVEN C. YARBROUGH  
Acting United States Attorney

Filed electronically 9/25/13  
Ruth Fuess Keegan  
Assistant U.S. Attorney  
P.O. Box 607  
Albuquerque, New Mexico 87103  
(505) 346-7274  
E-mail: [ruth.f.keegan@usdoj.gov](mailto:ruth.f.keegan@usdoj.gov)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 25, 2013, a true and correct copy of the foregoing was served by first-class mail on the following parties:

Mark Fine  
Fine Law Firm  
220 Ninth Street NW  
Albuquerque, New Mexico 87102

\_\_\_\_\_  
/s/  
Ruth F. Keegan